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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,545	03/10/2004	David S. Bonalle	54022.1200	2544
20322 7590 05/13/2008 SNELL & WILMER L.L.P. (Main) 400 EAST VAN BUREN ONE ARIZONA CENTER PHOENIX, AZ 85004-2202			EXAMINER FRENEL, VANEL	
			ART UNIT 3687	PAPER NUMBER
			MAIL DATE 05/13/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/708,545	Applicant(s) BONALLE ET AL.	
	Examiner VANEL FRENEL	Art Unit 3687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20080416; 20070823; 20041209; 20040820;</u> | 6) <input type="checkbox"/> Other: _____ |
| <u>20040319; 20040317; 20040310.</u> | |

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the application filed on 03/10/04. Claims 1-19 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-9, and 18-19 are rejected under 35 U.S. C. 103 (a) as unpatentable over Hurta et al. (US 6, 317,721) in view of Anderson et al. (6,608,551).

(A) As per claim 1, Hurta discloses a radio frequency (rf) transaction securing system comprising: a radio frequency identification (RFID) transaction device (See Hurta, Col.5, lines 49-58; Col.7, lines 43-55), including: a RF operable transaction device transponder (See Hurta, Col.3, lines 30-50); a transaction device processor in communication with said transponder (See Hurta, Col.5, lines 49-57).

Hurta does not explicitly disclose a transaction device database in communication with said transaction device processor;

a transactions counter in communication with said transaction device processor, said counter including a total transactions counted value.

However, these features are known in the art, as evidenced by Anderson. In

particular, Anderson suggests a transaction device database in communication with said transaction device processor (See Anderson, Col.3, lines 1-42); a transactions counter in communication with said transaction device processor, said counter including a total transactions counted value (See Anderson, Col.5, lines 21-54).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Anderson within the system of Hurta with the motivation of providing a wireless data communications system which includes at least one portable device, such as a wireless data collection terminal, which is equipped with a programmable RFID tag (See Anderson, Col.1, lines 46-48).

(B) As per claim 2, Hurta discloses a system wherein said transaction device database stores at least one of a transaction device authentication tag and an encrypted transaction device identifier (See Hurta, Col.3, lines 1-12; Col.5, lines 1-25).

(C) As per claim 3, Hurta discloses a system further including a RFID reader operable to receive transaction device information from said transaction device via RF communications, said RFID reader comprising: a RF operable reader transponder (See Hurta, Col.5, lines 3-41); and a reader processor in communication with said transponder (See Hurta, Col.6, lines 15-40).

(D) As per claim 4, Hurta discloses a system wherein said RFID reader provides an interrogation signal for interrogating said transaction device (See Hurta, Col.6, lines 15-

46).

(E) As per claim 5, Anderson discloses a system, wherein said counter increments said total transactions value a predetermined value to be incremented in response to said interrogation signal, said counter further providing said incremented total transactions value to said transaction device processor (See Anderson, Fig.3; Fig.4; Col.2, lines 5-29; Col.5, lines 20-44).

The motivation for combining the respective teachings of Hurta and Anderson are as discussed in the rejection of claim 1 above, and incorporated herein.

(F) As per claim 6, Anderson discloses a system wherein said transaction device database provides said transaction device authentication tag and said transaction device encrypted identifier to said transaction device processor in response to said interrogation signal (See Anderson, Col.2, lines 5-29).

The motivation for combining the respective teachings of Hurta and Anderson are as discussed in the rejection of claim 1 above, and incorporated herein.

(G) As per claim 7, Anderson discloses a system wherein said processor provides at least one of said transaction device authentication tag, said transaction device encrypted identifier, and said incremented total transactions counted value to said transaction device transponder, said transaction device transponder for providing to said RFID reader transponder via RF communications (See Anderson, 5, lines 20-46).

The motivation for combining the respective teachings of Hurta and Anderson are as discussed in the rejection of claim 1 above, and incorporated herein.

(H) As per claim 8, Anderson discloses a system wherein said RFID reader further comprises a reader database in communication with said reader processor (See Anderson, Col.3, lines 33-42).

The motivation for combining the respective teachings of Hurta and Anderson are as discussed in the rejection of claim 1 above, and incorporated herein.

(I) As per claim 9, Anderson discloses a system wherein said reader database stores a reader authentication tag, said reader database further providing said reader authentication tag to said reader processor (See Anderson, Col.3, lines 33-42).

The motivation for combining the respective teachings of Hurta and Anderson are as discussed in the rejection of claim 1 above, and incorporated herein.

(J) As per claim 18, Hurta discloses a method for securing Radio Frequency (RF) transactions comprising the steps of: providing an interrogation signal for interrogating a RF transaction device including a RF operable transaction device transponder (See Hurta, Col.3, lines 30-50).

Hurta does not explicitly disclose providing a counter for counting the total transactions completed with the RF transaction device; incrementing the counter value a predetermined incremental value when a transaction request is provided, thereby

providing the total number of transactions completed with the transaction device; and approving a transaction based on the value of the total number of transactions completed.

However, these features are known in the art, as evidenced by Anderson. In particular, Anderson suggests providing a counter for counting the total transactions completed with the RF transaction device; incrementing the counter value a predetermined incremental value when a transaction request is provided, thereby providing the total number of transactions completed with the transaction device (See Anderson, Col.5, lines 21-54); and approving a transaction based on the value of the total number of transactions completed (See Anderson, Col.5, lines 1-44).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Anderson within the system of Hurta with the motivation of providing a wireless data communications system which includes at least one portable device, such as a wireless data collection terminal, which is equipped with a programmable RFID tag (See Anderson, Col.1, lines 46-48).

(K) As per claim 19, Hurta discloses a method of completing a secure Radio Frequency transaction comprising: providing a RFID transaction device (See Hurta, Col.3, lines 30-50).

Hurta does not explicitly disclose that a counter for counting the number of transactions completed with the device; and approving a transaction based on the number of transactions completed with the device.

However, these features are known in the art, as evidenced by Anderson. In particular, Anderson suggests a counter for counting the number of transactions completed with the device (See Anderson, Col.5, lines 21-54); and approving a transaction based on the number of transactions completed with the device (See Anderson, Col.5, lines 1-44).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Anderson within the system of Hurta with the motivation of providing a wireless data communications system which includes at least one portable device, such as a wireless data collection terminal, which is equipped with a programmable RFID tag (See Anderson, Col.1, lines 46-48).

4. Claims 10-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hurta et al. (6,317,721) in view of Anderson et al.(6,608,551) as applied to claims 1-9 and 18-19 above, and further in view of Walker et al. (5,945,653).

(A) As per claim 10, Hurta and Anderson disclose all the limitations above.

The combination of Hurta and Anderson does not explicitly disclose a system further comprising: a merchant point of sale (POS) device in communication with said RFID reader; and an account issuer in communication with said POS via a network.

However, this feature is known in the art, as evidenced by Walker. In particular, Walker suggests that a system further comprising: a merchant point of sale (POS) device in communication with said RFID reader (See Walker, Col.9, lines 23-64); and an

account issuer in communication with said POS via a network (See Walker, Col.9, lines 23-64).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Walker within the collective teachings of Anderson and Hurta with the motivation of providing a merchant which could utilize the same to purchase the use of store-based functions, from selected credit card issuers, that allows the merchant to offer specific purchase incentives to selected customers at the store, in an ad-hoc manner (See Walker, Col.5, lines 1-8).

(B) As per claim 11, Anderson discloses a system wherein said RFID reader provides at least one of said transaction device authentication tag, said transaction device encrypted identifier, and said incremented total transactions counted value and said reader authentication tag to said POS, said POS forming a transaction request including transaction completion information and at least one of said transaction device authentication tag, said transaction device encrypted identifier, and said incremented total transactions counted value, and said reader authentication tag, said POS providing said transaction request to said account issuer (See Anderson, Col. 5, lines 21-54).

The motivation for combining the respective teachings of Hurta and Anderson are as discussed in the rejection of claim 1 above, and incorporated herein.

(C) As per claim 12, Anderson discloses a system wherein said account issuer

evaluates the validity of said transaction device in accordance with the total transactions counted value received (See Anderson, Col.5, lines 20-54).

The motivation for combining the respective teachings of Hurta and Anderson are as discussed in the rejection of claim 1 above, and incorporated herein.

(D) As per claim 13, Walker discloses a system wherein said account issuer provides approval for transaction completion to said POS when said total transactions counted value is less than a predetermined maximum transactions value (See Walker, Col 16, lines 10-43), and wherein said account issuer disallows the completion of a transaction when said total transactions counted value is greater than said maximum transactions value (See Walker, Col.15, lines 37-67).

The motivation for combining the respective teachings of Hurta and Anderson are as discussed in the rejection of claim 1 above, and incorporated herein.

(E) As per claim 14, Hurta discloses a system wherein said account issuer evaluates the validity of said transaction device in accordance with the transaction device authentication tag received (Hurta, Col.5, lines 1-41; Col.6, lines 16-40).

(F) As per claim 15, Hurta discloses a system wherein said account issuer evaluates the validity of said RFID reader in accordance with the reader authentication tag received (See Hurta, Col.5, lines 1-41; Col.6, lines 16-40).

(G) As per claim 16, Hurta discloses a system wherein said account issuer provides approval for transaction completion to said POS when said transaction device authentication tag is validated (See Hurta, Col.5, lines 1-41).

(H) As per claim 17, Hurta discloses a system wherein said account issuer provides approval for transaction completion to said POS when said reader authentication tag is validated (See Hurta, Col.5, lines 1-41).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not the applied art teaches online card present transaction (2002/0133467) and extended range infrared communications (ERIC) for an infrared associated (IRDA) compliant portable device (6,944,402).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VANEL FRENEL whose telephone number is (571)272-6769. The examiner can normally be reached on 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Gart can be reached on 571-272-3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3687

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vanel Frenel/
Examiner, Art Unit 3687

May 7, 2008